APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,488	02/23/2004	Xin Wen	SF054001	2145

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Xin Wen
2800 Bridge Parkway
Redwood City, CA 94065

EXAMINER
LEE, DOUGLAS S

ART UNIT	PAPER NUMBER
2125	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/784,488	WEN ET AL.
	Examiner	Art Unit	
	Douglas S. Lee	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>2/23/2004</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Walser

et al. (US Pat. # 6,731,998).

Regarding claim 1, Walser et al. disclose an optimization automated

manufacturing system, comprising a) a computer processing system that defines

product packages (see fig. 1, elements 14 and 16) and one or more product

subbatches within each product package in response to input product information

(see fig.2, element 20, cols. 5-6); and b) a plurality of consolidation systems that

receive the product subbatches in accordance to consolidation assignment and

consolidate the product subbatches into product packages (see fig. 2, element

30, cols. 5-6), wherein the computer processing system receives the status

information of the consolidation systems and produces consolidation assignment.

Regarding claim 2, Walser et al. further disclose c) a distribution system

that receives the product subbatches and distributes the product subbatches to

the consolidation systems in accordance to the consolidation assignment

produced by the computer processing system (see fig. 2, element 24 and 34).

Regarding claim 3, Walser et al. further disclose c) an output system that

receives the product packages from the consolidation systems and ships the

product packages (see fig. 3, element 140, col., 7, lines 1-15).

Regarding claim 4, Walser et al. disclose wherein the product subbatches

carries machine-readable or human readable information comprising

consolidation assignment information (see fig. 1, col. 3 lines 63-col. 4, line30).

Regarding claim 5, this claim is rejected for the same reasons applied

above rejected claim 4.

Regarding claims 6 and 7, Walser et al. disclose wherein the status

information of the consolidation systems includes the load levels of the

consolidation systems (see cols. 7-8).

Regarding claim 8-10, Walser et al. disclose wherein the status

information of the consolidation systems includes the properties of the product

subbatches stored in the consolidation systems (see cols. 7-8).

Regarding claim 11, Walser et al. disclose an optimization automated

manufacturing system, comprising a computer processing system that defines

product packages and one or more product subbatches within each product

package in response to input product information (see fig. 1, elements 14 and

16); b) one or more production systems that produce the product subbatches

(see fig.2, element 20, cols. 5-6); and c) a plurality of consolidation systems that

receive the product subbatches in accordance to consolidation assignment and

consolidate the product subbatches into product packages (see fig. 2, element

30, cols. 5-6), wherein the computer processing system receives the status

information of the consolidation systems and produces consolidation assignment.

Regarding claims 12 and 25, Walser et al. disclose wherein the computer

processing system produces digital data in response to input product information,

wherein the digital data was received by the production systems for producing

the product subbatches (see fig. 1, col. 4, lines 1-14).

Regarding claim 13, Walser et al. disclose wherein the computer

processing system assigns the product subbatches to be produced at one of the

production systems (see col. 4, lines 1-30).

Regarding claim 14, Walser et al. disclose wherein the computer

processing system schedules the product subbatches to be produced at one of

the production systems in accordance to the status information of the

consolidation systems (see col. 4).

Regarding claim 15, Walser et al. further disclose d) a distribution system

that receives the product subbatches from the one or more production systems

and distributes the product subbatches to the consolidation systems in

accordance to the consolidation assignment information (see fig. 2, element 24

and 34). .

Regarding claims 16 and 17, this claim is rejected for the same reasons

applied above rejected claim 4.

Regarding claims18 and 19, this claim is rejected for the same reasons

applied above rejected claims 6 and 7.

Regarding claim 20-22, this claim is rejected for the same reasons applied

above rejected claims 8 and 10.

Regarding claim 23, Walser et al. disclose wherein a product subbatch

includes a plurality of product types (see col. 3).

Regarding claim 24, Walser et al disclose wherein the product subbatches

include one or more of image prints, greeting cards, postcards, calendars, photo

snapbooks, and photo albums (see fig. 3, col. 6).

Regarding claims 26-50, these method claims are rejected for the same

reasons applied above rejected system claims 1-25.

Conclusion

1.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner Douglas Lee, whose telephone number is
(571) 272-3745. The examiner can normally be reached on Monday-Friday from
8:00AM- 4:30PM.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Leo Picard*, can be reached on *(571) 272-3749 or via e-mail addressed to
[leo.picard@uspto.gov]*. The fax number for this Group is (571) 273-8300.
Communications via Internet e-mail regarding this application, other than those under
35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and
should be addressed to [**doug.lee@uspto.gov**].
All Internet e-mail communications will be made of record in the application file. PTO
employees do not engage in Internet communications where there exists a possibility
that sensitive information could be identified or exchanged unless the record includes a
properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122.
This is more clearly set forth in the Interim Internet Usage Policy published in the Official
Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.
All Internet e-mail communications will be made of record in the application file. PTO
employees do not engage in Internet communications where there exists a possibility that
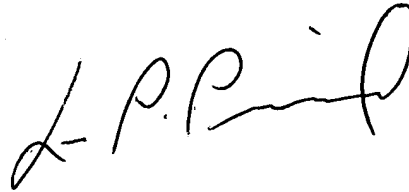
sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

Douglas Lee

12/21/2006

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100